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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA, BILLINGS DIVISION

CHRISTINE COLLIER (PARKINSON),
VICTORIA "VICKI" COLLIER, and
NATHAN COLLIER,

Plaintiffs,
v.

TIM FOX, in his official capacity as
Attorney General of Montana;
STEVE BULLOCK, in his official capacity
as Governor of Montana; SCOTT TWITO,
in his official capacity as Yellowstone
County Attorney, and KRISTIE LEE
BOELTER, in her official capacity as
Clerk of Yellowstone County District
Court,

Defendants.

Cause No. CV-15-83-BLG-
SPW-CSO

**DEFENDANTS FOX AND
BULLOCK'S STATEMENT
OF UNDISPUTED FACTS
IN SUPPORT OF
MOTION FOR SUMMARY
JUDGMENT**

Defendants Tim Fox, Attorney General, and Steve Bullock, Governor of the State of Montana, hereby submit the following undisputed facts, in support of their Motion for Summary Judgment, filed herewith:

1. Nathan and Vicki Collier were married in Dillon, South Carolina, on April 26, 2000. *Declaration of Patrick M. Risken Re Defendants' Motion for Summary Judgment* (hereinafter *Risken Decl. Re Summ. J.*) Ex. 4, Interrogatory No. 2.
2. Nathan and Vicki Collier have been continuously married since that date, never having divorced. *V. Collier Dep.* at 29:2-30:7, 31:13-15. *Risken Decl. Re Summ. J.*, Ex. 2.
3. Nathan Collier and Christine (Parkinson) Collier have never received a marriage license under the laws of Montana.
4. Nathan and Christine (Parkinson) Collier consider their private meeting at Ridley Park in Pennsylvania in 2007 to have been their “marriage” for purposes of this case. *Risken Decl. Re Summ. J.*, Ex. 4, Interrogatory No. 6; *N. Collier Dep.* at 34:3-15 (*Risken Decl. Re Summ. J.*, Ex. 1). Both Nathan and Christine consider this event to be

the date of their “marriage” to one another. *N. Collier Dep.* at 34:3-15; *C. Collier Dep.* at 27:8-28:24 (*Risken Decl. Re Summ. J.*, Ex. 3).

5. Nathan Collier and Christine (Parkinson) Collier applied for a marriage license at the office of the Yellowstone County Clerk on June 30, 2015, but that application was denied. *N. Collier Dep.* at 63:25-64:3; *C. Collier Dep.* at 36:5-9, 37:16-38:11, 63:6-14; Ct. Doc. 43, ¶ 24.

6. The reason that the Yellowstone County Clerk denied the marriage license application was that Nathan Collier was already married to Vicki Collier. *C. Collier Dep.* at 36:5-9, 37:16-38:11.

7. Nathan Collier believes that he should not have to choose between Vicki and Christine as his legal “wife.” *N. Collier Dep.* at 37:1-8, 37:25-38:2. This is not a conviction based on any religion. *Id.*

8. The “contracts” that the Colliers claim to have entered as amongst themselves are merely understandings without written agreement to terms. *N. Collier Dep.* at 48:2-23, 49:4-9; *V. Collier Dep.* at 34:5-35:8; *C. Collier Dep.* at 21:16-20, 22:7-21.

9. The “fear” that the Colliers express is not objectively verifiable. The Defendants have done nothing to overtly “threaten” any

of the Plaintiffs. *N. Collier Dep.* at 92:5-93:2; *V. Collier Dep.* at 48:11-17; *C. Collier Dep.* at 69:10-17, 70:19-72:7.

10. The Colliers' "fear" of any perceived "threat" is based solely upon the existence of the bigamy statutes. *N. Collier Dep.* at 61:5-62:6, 98:3-17, 100:13-101:5; *C. Collier Dep.* at 47:20-49:2, 59:7-20.

11. The Defendants have done nothing to "enforce" the bigamy statutes against the Colliers. *N. Collier Dep.* at 80:18-21, 82:13-19, 83:1-6, 83:23-84:20, 92:5-93:2, *V. Collier Dep.* at 48:11-17, 54:15-55:9; *C. Collier Dep.* at 41:10-42:5, 72:4-7, 69:10-17, 116:9-16.

12. The Colliers have no evidence of official "discrimination" against them or against others similarly situated. *N. Collier Dep.* at 57:10-58:16, 96:16-97:19; *C. Collier Dep.* at 49:3-21, 86:13-16, 89:17-20, *V. Collier Dep.* at 87:20-88:2.

13. The Colliers live as a family without state or county intervention in their lives. *N. Collier Dep.* at 80:18-21, 82:13-19, 83:1-84:20, 92:5-93:2; *V. Collier Dep.* at 48:11-17, 54:15-55:9; *C. Collier Dep.* at 41:10-42:5, 67:23-68:3, 69:10-17, 70:19-72:7, 116:9-16. This includes privacy in their home, intimacy and parenting. *Id.*

14. Nathan Collier admits that polygamy carries the risk of exposing women to the danger of predatory, abusive behaviors by men. *N. Collier Dep.* at 22:12-20, 23:18-19, 24:3-16, 40:9-14, 41:3-18, 42:5-9, 98:8-23.

15. This case does not involve the practice of any religion. *N. Collier Dep.* at 86:6-15, 87:6-17, 88:3.

16. Vicki Collier is not affected by the bigamy statutes. *V. Collier Dep.* at 59:14-23.

17. Nathan Collier and Christine (Parkinson) Collier applied for and were granted a marriage license in Clark County, Nevada, on January 15, 2011. *Risken Decl. Re Summ. J.*, Ex. 5.

18. Nathan Collier and Christine (Parkinson) Collier applied for the annulment of their Nevada marriage in Douglas County, Nevada, on December 30, 2013. They were granted a marriage annulment in Douglas County, Nevada, on January 6, 2014. *Risken Decl. Re Summ. J.*, Ex. 6.

Respectfully submitted this 1st day of June, 2017.

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By: /s/ Patrick M. Risken
PATRICK M. RISKEN
Counsel for Defendants
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Governor Bullock

CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing document with the clerk of the court for the United States District Court for the District of Montana, using cm/ecf system.

Participants in the case who are registered cm/ecf users will be served by the cm/ecf system.

Dated: June 1, 2017

/s/ Patrick M. Risken
Patrick M. Risken